

*Confidential Communication*

FOR YOUR IMMEDIATE ATTENTION

Tracy Forakis, Clerk  
United States District Court,  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, CA 94102  
Telephone: (415) 522-2000

**FILED**

SEP 16 2011

**RICHARD W. WIEKING**  
CLERK U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA

Re: Case No. 11-cv-01208-SI (*formerly CV 11-01208 JCS*) Email Sent tue06sep2011

Dear Tracy,

The purpose of this communication is to follow up on the email sent to you on tue06sep2011 (see original email enclosed below).

Since I have not received any reply from you, it appears you may not have gotten my email. This is precisely why I prefer communications in writing.

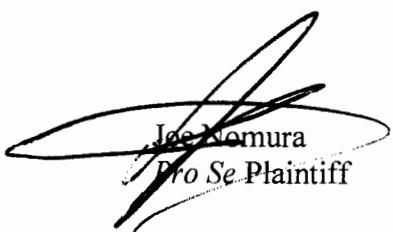
The primary point for clarification: what is the status of the Defendant's 29Jul2011 "Motion to Dismiss" originally filed with Judge Spero?

At your earliest convenience, I look forward to receiving your written response on the status and disposition of this case, as well as the other issues communicated in my tue06sep2011 email.

I look forward to receiving all further court notices and communications --in writing-- as discussed in my tue06sep2011 email.

Thank you very much for your immediate attention on this matter.

Respectfully,

  
Joe Nomura  
Pro Se Plaintiff

enclosures (1): "Re: 11-cv-01208-SI attention Tracy Forakis" email, sent tue06sep2011  
cc: Richard W. Wiking, Clerk

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----- Original Message -----

From: VideoOnDemand JN  
Sent: 09/06/11 09:41 AM  
To: Tracy Forakis  
Subject: Re: 11-cv-01208-SI attention Tracy Forakis

Dear Tracy,

First- Plaintiff respectfully wishes to remind the Court that I am proceeding "pro se" and am not able to "e-file" since Plaintiff's computer, internet, and email access do not always consistently work well. This is why Plaintiff previously respectfully requested, and has expected, communications to be delivered via written notice. This has NOT happened consistently.

On 30Jul2011, Plaintiff received (via FedEx) Defendant's 29Jul2011 "Motion to Dismiss", which indicated a court date of "September 2, 2011". However, while recently reviewing PACER, Plaintiff inadvertently discovered Defendant's 04Aug2011 motion for "Declination to Proceed before a Magistrate Judge...". Plaintiff would like the Court to fully understand that I did NOT receive any written or email notice on this motion. Therefore, how could any timely response be effectively proffered by the Plaintiff?

Plaintiff respectfully, and strongly, objects to the fact that I was NEVER given proper notice of Defendant's 04Aug2011 motion, or, the fact that the Court made its "Reassignment Order" on 05Aug2011. This does NOT seem appropriate, fair or proper legal procedure.

Further more, since this case has now been 'officially' reassigned to the Honorable Susan Illston, and since Plaintiff has now discovered from the 05Aug2011 "Reassignment Order" that "All matters presently scheduled for hearing are vacated and should be renoticed...", it is unclear if Defendant's 29Jul2011 "Motion to Dismiss" is now carried over to the new judge and if so what is the new schedule or timeline for all responses?

Plaintiff respectfully requests and would sincerely appreciate an explanation and understanding on this matter as I do not wish to miss any deadlines for filing or responding. This is also why Plaintiff should be notified, officially, in writing – by the Court and/or Defendant.

Plaintiff respectfully requests, henceforth, to please insure all filings, motions, responses, exhibits, related documents and communications are mailed to Plaintiff at the address of record:

**Tetsuya Joe Nomura  
3288 Pierce Street, Suite C129  
Richmond, CA 94804**

Second- While Plaintiff respectfully requests all documents, filings, communications, etc. be delivered in writing --for the record-- Plaintiff would also like it known that due to insufferable

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and intolerable email delivery as well as other issues with Hotmail.com, Plaintiff's new email address (from which this email has been sent) is now officially: **VoD.JN@gmx.us**

Third- Plaintiff would like to inform the Court that a meeting with Counsel for Defendant, Victor Hsue and his legal associate, Mike <lastname>, occurred on Thursday 01sep2011 at 12pm to begin exploring any possibilities for negotiations that may result in a mutually acceptable amicable out-of-court resolution to this matter.

Yet, oddly, on the very day before that already scheduled meeting – at end-of-day on Wed 31aug2011 at 4:44pm – Defendant emailed the Court to state that the Defendant had "not heard from him [Plaintiff] so far". This, too, does NOT seem appropriate, fair or proper legal procedure.

Plaintiff respectfully submits that the Defendant's statement to the Court is extremely inaccurate --if not completely untrue-- as we had, in fact, communicated --via phone and email-- AND had already mutually agreed to a face-to-face meeting which was (as already known by Counsel for Defendant) earlier scheduled to be held the very next day – on 01sep2011 at 12pm – a meeting which occurred, as agreed and planned, at the Defendant's office location on the Google Campus in Mountain View.

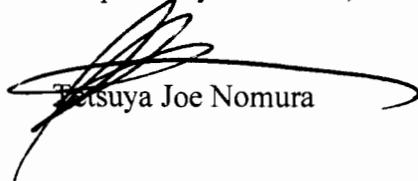
Plaintiff respectfully requests the Court officially remind the Counsel for Defendant that, as an attorney and duty sworn "officer-of-the-court", he should refrain from making any further false or inaccurate statements to the Court as there could and should be serious repercussions if such conduct continues.

Therefore, regarding Defendant's request for setting a date on "Hearing for Motion to Dismiss", logically, it seems extremely premature to do so now until we've had sufficient time to further explore such negotiations - unless the Defendant is not genuinely sincere about such discussions or negotiations.

In conclusion, let it be officially and formally known that the Plaintiff's genuinely wishes to continue negotiations with the Defendant in "Good Faith" if, and only if, the Defendant is actually sincere about such discussions.

Therefore, Plaintiff respectfully requests the Court delay any decision for setting a hearing date on the Defendant's Motion to Dismiss until, logically, we've had sufficient time to continue exploring such negotiations – discussions that only just began between Plaintiff and Defendant a few business days ago.

Respectfully submitted,



Tetsuya Joe Nomura